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PATENT
Attorney Docket No.: AVARS-02600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wayne A. Feick et al.

United States Serial No.: 10/070,339

Filing Date: February 27, 2002

For: **METHOD AND APPARATUS FOR
COMMUNICATING DATA
WITHIN MEASUREMENT
TRAFFIC**

) Group Art Unit: Unknown
) Examiner: Unknown
) **PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 C.F.R. §
1.181(a)**
) 162 N. Wolfe Road
) Sunnyvale, CA 94086
) (408) 530-9700

Customer No.: 28960

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sir:

The Applicants make this petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment in this case. The Notification of Abandonment, mailed November 3, 2005, states that the Applicants failed to respond to a Notification of Missing Requirements.

As explained in the attached Statement that the Supplemental Declarations Satisfy 37 C.F.R. § 1.497(a)(3), the Applicants timely filed Supplemental Declarations, which responded to the Notification of Missing Requirements, but the USPTO has no evidence of receiving them. Accordingly, this petition is based on 37 C.F.R. § 1.8(b), which lists criteria for determining when a response mailed to but not received by the USPTO is considered timely filed:

PROMPTNESS

This petition is being made promptly after the Applicants learned that the USPTO has no evidence of receiving the Supplemental Declarations. 37 C.F.R. § 1.181(f).

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13 MAR 2006

**SUBMISSION, INCLUDING ADDITIONAL COPIES
OF THE SUPPLEMENTAL DECLARATIONS**

Submitted with this petition are:

1. Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations and its supporting declarations:
 - a. Declaration of Annette Palladino in Support of Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations; and
 - b. Declaration of Thomas B. Haverstock in Support of Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations.
2. Copies of the Supplemental Declarations filed with the USPTO on September 22, 2003.
3. Statement that the Supplemental Declarations Satisfy 37 C.F.R. § 1.497(a)(3).

**STATEMENT BASED ON PERSONAL KNOWLEDGE
THAT SUPPLEMENTAL DECLARATIONS WERE FILED**

Ms. Palladino's declaration is based on personal knowledge and is offered as evidence that the Supplemental Declarations were timely filed with the USPTO.

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

- Based on the Petition to Accord a Filing Date, the Supplemental Declarations should be considered timely filed; and
- As explained in the Statement that the Supplemental Declarations Satisfy 37 C.F.R. § 1.497(a)(3), the Supplemental Declarations satisfy the missing requirements that they were filed to meet.

Accordingly, the Applicants ask that the active status of this application be acknowledged and that the application be further examined.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: 12-16-05

By: 
Thomas B. Haverstock
Reg. No.: 32,571